

**From:** [Morrison, Matthew W.](#)  
**To:** [McKenna, Elizabeth](#)  
**Subject:** Tribes Cost Recovery Action at UCR  
**Date:** Monday, November 23, 2015 3:33:40 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[MSA Order \(4\).pdf](#)

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Hi Elizabeth – I hope you’ve been doing well. I just left you a voicemail, but I thought I would also follow-up by email.

I don’t know if you heard about the recent summary judgment decision in the tribes’ cost recovery case, but if you have a moment tomorrow I was hoping we could very briefly touch base about it. The decision basically concluded that the tribes’ costs and expenses were not “enforcement costs” but it left open the door of allowing the tribes to argue that their costs and expenses should be recoverable because they advanced the cleanup and were essentially removal or remedial costs. A copy of the decision is attached if you would like to review it.

My question is whether the tribes may be asking the Agency to weigh in on this issue, either by testimony or sworn statements under Touhy or otherwise. If such a request is out there, or comes in soon, I would very much like to discuss some important considerations about the issue before any decision is made.

I’m around this evening by cell and I’ll be in tomorrow as well.

Many thanks in advance,

Matt

**Matthew W. Morrison**

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